

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TERRY DALE LOMACK,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-14-832-C
)	
JIM FARRIS,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Shon T. Erwin, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Erwin entered a Report and Recommendation (“R&R”) on August 29, 2014, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Petitioner’s only objection to the R&R is that the Magistrate Judge failed to apply the factors set out in In re Cline, 531 F.3d 1249 (10th Cir. 2008), in determining whether to dismiss or transfer the case. To the contrary, however, the R&R, at pp. 4-5, discussed these factors and found, correctly, that dismissal is appropriate. Nothing argued by Petitioner would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 8), and for the reasons announced therein, this petition for habeas corpus relief is dismissed for lack of jurisdiction. Petitioner’s Motion to Amend/Correct Petition for Writ of Habeas Corpus (Dkt. No. 5), is denied as moot. Petitioner’s “Motion for

Leave to Proceed to File an Amended Habeas Corpus Writ Petition (Dkt. No. 13) is denied, as futile. A judgment will enter accordingly.

IT IS SO ORDERED this 24th day of October, 2014.



ROBIN J. CAUTHRON
United States District Judge